

**COMBINED DECLARATION AND POWER OF ATTORNEY**

*(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)*

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

- ☒ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

*"System and Method for Analyzing and Imaging an Enhanced  
Three-Dimensional Volume Data Set Using One or More Attributes"*

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.
- (b) ☐ was filed on \_\_\_\_\_ as Serial No. \_\_\_\_\_ or Express Mail No. \_\_\_\_\_, as Serial No. not yet known and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. §1.67.

- (c)      (X)      was described and claimed in PCT International Application No. PCT/US 01/03227 filed on 31 January 2001 and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. §1.56(a).

- ( )      In compliance with this duty there is attached an information disclosure statement. 37 CFR §1.97.

#### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d)      ( )      no such applications have been filed.
- (e)      (X)      such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 U.S.C. §119
PCT	PCT/US 01/03227	31 January 2001	31 January 2001

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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## POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

William B. Kircher      Reg. No. 22,481  
James H. Marsh, Jr.      Reg. No. 24,533  
J. David Wharton      Reg. No. 25,717  
Joseph B. Bowman      Reg. No. 25,807  
Richard R. Johnson      Reg. No. 27,452  
Walter R. Brookhart      Reg. No. 29,518  
James H. Riley, II      Reg. No. 31,131  
Joan Optican Herman      Reg. No. 31,968  
Michael B. Hurd      Reg. No. 32,241  
Devon A. Rolf      Reg. No. 35,337

Michael J. Gross      Reg. No. 35,528  
William P. Jensen      Reg. No. 36,833  
Daniel W. Shinn      Reg. No. 40,810  
B. Trent Webb      Reg. No. 40,865  
Susan J. Wharton      Reg. No. 41,524  
Scott B. Strohm      Reg. No. 42,172  
Clinton G. Newton      Reg. No. 42,930  
Michael A. Riley      Reg. No. 45,043  
Gregory S. Donahue      Reg. No. 47,531

( ) Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(Name and telephone number)

William P. Jensen  
SHOOK, HARDY & BACON, L.L.P.  
600 Travis, Suite 1600  
Houston, Texas 77002

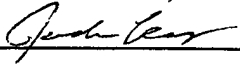
William P. Jensen  
Tel: (713) 546-5671  
Fax: (713) 277-9508

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full Name of Sole or First Inventor: LEES, Jack

Inventor's Signature: 

Date: 7/13/01

Country of Citizenship: U.S.A.

Residence: 6403 Edloe  
Houston, Texas 77005

Post Office Address: 2000 West Sam Houston Parkway South, Suite 750  
Houston, Texas 77042

Full Name of Second Joint Inventor: SHEFFIELD, Tatum M.

Inventor's Signature: Tatum M. Sheffield

Date: 27 / 7 / 2001 Country of Citizenship: U.S.A.

Residence: 4927 Cave Run Drive  
Missouri City, Texas 77459

Post Office Address: 2000 West Sam Houston Parkway South, Suite 750  
Houston, Texas 77042

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR §1.47. Number of pages added \_\_\_\_.

\* \* \*

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

☐ Number of pages added \_\_\_\_

\* \* \*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

- ☒ This declaration ends with this page

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Magic Earth, Inc.

Application No. Not Yet Known Filed Date: Concurrently Herewith

Entitled: System and Method for Analyzing and Imaging an Enhanced Three-Dimensional Data Set Using One or More Attributes

Magic Earth, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ The assignee of the entire right, title, and interest; or  
2. ☐ An assignee of less than the entire right, title and interest. The extent (by percentage of its ownership interest is \_\_\_\_\_% in the patent application/patent identified above by virtue of either:  
A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 013827, Frame 0929, or for which a copy thereof is attached.

Or

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ Or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ Or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ Or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 24, 2003


Date

(713) 227-8008

Telephone Number

William P. Jensen

Typed or Printed Name



Signature

Agent

Title

## ASSIGNMENT

WHEREAS, we, JACK LEES and TATUM M. SHEFFIELD (collectively "ASSIGNORS") are the joint inventors of *"System and Method for Analyzing and Imaging an Enhanced Three-Dimensional Volume Data Set Using One or More Attributes"* application for United States Letters Patent which is executed of even date herewith.

WHEREAS, MAGIC EARTH, INC., a Delaware corporation, having a place of business at 2000 West Sam Houston Parkway South, Suite 750, Houston, Texas 77042 ("ASSIGNEE"), is desirous of acquiring the entire right, title and interest in and to the aforesaid invention throughout the world, and all right, title and interest in, to and under any and all Letters Patent of the United States and all other countries throughout the world;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) to us in hand paid by ASSIGNEE and for other good and valuable considerations, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over to ASSIGNEE, all right, title and interest in and to the said invention throughout the world, and said application for U.S. Letters Patent, and any and all divisions, continuations, reexaminations and reissues thereof, and any and all Letters Patent of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by ASSIGNEE for its own use and benefit, and for the use and benefit of its successors, assigns, or other legal representatives, to the end of the term or terms for which said Letters Patent of the United States or foreign countries are or may be granted, reexamined or reissued, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States on said invention or resulting from said application and from any and all divisions, continuations, and reissues thereof, to ASSIGNEE, as assignee of our entire interest, and hereby covenant that we have the full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

And we further hereby covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said invention and to such Letters Patent as may be granted therefor, to ASSIGNEE, its successors, assigns, or other legal representatives and that if ASSIGNEE, its successors, assigns or other legal representatives shall desire to file any divisional or continuation applications or to secure a reexamination or reissue of such Letters Patent, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for the filing of such divisional or continuation application, or such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

And we do further covenant and agree that we will, at any time upon request, communicate to a ASSIGNEE, its successors, assigns or other legal representatives, such facts relating to said

invention and Letters Patent or the file history thereof as may be known to us, and testify as to the same in any interference or other litigation when requested so to do, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

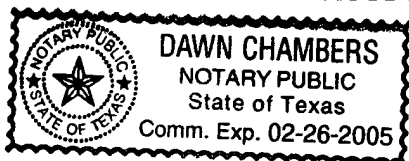
EXECUTED THIS 13 day of JULY, 2001.

Jack Lees  
JACK LEES

STATE OF TEXAS       §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, on this day personally appeared JACK LEES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 13<sup>th</sup> day of July, 2001.



Dawn Chambers  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

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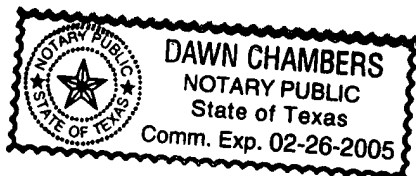
EXECUTED THIS 27 day of July, 2001.

Tatum M. Sheffield  
TATUM M. SHEFFIELD

STATE OF TEXAS       §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, on this day personally appeared TATUM M. SHEFFIELD, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 27 day of July, 2001.



Dawn Chambers  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS